



## COUNCIL MINUTES

March 22, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on March 22, 2010 at 5:47 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Dr. Terry Crist, City of Grace.

Pledge of Allegiance was led by Scout Derek Wright, Troop #655.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith noted that music has always played an important role in the Mesa community beginning with the early settlers in the late 1800's and continuing to the present day. He read a proclamation (**see Attachment 1**) proclaiming March 2010 as Music in Our Schools Month in the City of Mesa. He invited Ruth Argabright, Music Specialist with Mesa Public Schools, to come forward.

Ms. Argabright thanked the Council, and she said that the partnership between Mesa Public Schools (MPS) and the Mesa Arts Center has enabled students to perform in the Ikeda Theater each year. She also acknowledged the efforts of Frank Bennett, a volunteer with the MPS Music Department. Ms. Argabright announced that the Mesa High School Bands Concert would be held on Wednesday, March 24<sup>th</sup>, beginning at 7:00 p.m. in the Ikeda Theater, with ensembles from Dobson, Skyline and Westwood High Schools performing outside on the Shadow Walk and in the theater lobby prior to the concert. She concurred with the Mayor's comments regarding the importance of music, and she expressed appreciation to the community, the City and the school administrators for their support. Ms. Argabright reported that Mesa students would again be competing at All State, with Mesa students accounting for almost a third of the students at the State competition. She added that on Thursday, March 25<sup>th</sup>, the Elementary and Junior High School Bands would be performing at the Ikeda Theater.

Ms. Argabright introduced Clarissa Galbrath, a senior at Mountain View High School, who played a selection on the flute.

Mayor Smith thanked Ms. Galbrath for her performance.

Mayor Smith reported that he represented the City at the funeral for Sergeant 1<sup>st</sup> Class Jake Whetten, a Mesa resident who lost his life while serving in Afghanistan, and he extended condolences to Sergeant Whetten's family and friends.

1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the consent agenda items be approved.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes of the February 8 and March 1, 2010 Council meetings.

3. Take action on the following liquor license application:

\*3a. Neighborhood Economic Development Corporation

This is a one-day civic event to be held on Friday, April 2, 2010 from 6:00 p.m. to 10:00 p.m. at 1 to 270 W. Main Street. **(District 4)**

\*3b. Carozona Wholesale

New Wholesaler License for Carozona Wholesale, 929 E. Juanita Avenue, Suite 103, Carozona Wholesale LLC – Tina Marie Villa, Agent. This is an existing building with no previous liquor license at this location. **(District 4)**

\*3c. Posidon Greek Restaurant & Market

New Beer & Wine Store License for Posidon Greek Restaurant & Market, 961 W. Main Street, Posidon Greek Restaurant & Market Inc. – Thomas Robert Aguilera, Agent. A Club (Private) License was previously held at this location by Loyal Order of the Moose Mesa 1961 and was terminated with the State on January 31, 2007. **(District 4)**

\*3d. Posidon Greek Restaurant & Market

New Restaurant License for Posidon Greek Restaurant & Market, 961 W. Main Street, Posidon Greek Restaurant & Market Inc. – Thomas Robert Aguilera, Agent. A Club (Private) License was previously held at this location by Loyal Order of the Moose Mesa 1961 and was terminated with the State on January 31, 2007. **(District 4)**

4. Take action on the following contracts:

\*4a. Term Contract for Training and Duty Ammunition for the Police Department **(Citywide)**.

The Purchasing Division recommends authorizing purchase with multiple vendors: Polyshok at \$10,839.13; San Diego Police Equipment at \$268,026.62; Lawmen's Shooters' Supply at \$13,152.74 for a combined total award of \$292,018.49 annually, including applicable use tax, based on estimated requirements.

\*4b. Purchase of One (1) New Automated Microscope System for the Police Department (Fully Funded by the National Institute of Justice Solving Cold Cases with DNA Grant) **(Sole Source) (Citywide)**.

The Purchasing Division recommends awarding the contract to sole source bidder, NicheVision Forensics, LLC, at \$126,609.12, including applicable use tax.

\*4c. Purchase of New Web Viewer Software, Training and Support for the Information Technology Department **(Citywide)**.

The Purchasing Division recommends authorizing purchase with CA, Inc. at \$44,932.60, including applicable taxes.

\*4d. Term Contract for Digital Bond Printing Services for the Engineering Department **(Citywide)**.

The Purchasing Division recommends awarding the contract to Thomas Reprographics Inc. at \$60,000 annually, based on estimated requirements.

\*4e. Term Contract for LED Roadway Lighting Luminaires and Installation (Fully Funded by the Federal American Recovery and Reinvestment Act, Energy Efficiency Conservation Block Grant) **(Citywide)**.

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, Han-Mar Energy, Inc., a Mesa business, at \$989,900.08, including applicable sales tax.

\*4f. One-Year Renewal of the Term Contract for Potable Water Treatment Chemicals for the Water Resources Department **(Citywide)**.

The Purchasing Division recommends renewing the contract for a twelve-month period with multiple vendors, for the combined total award of \$965,697 annually, based on estimated requirements.

- \*4g. Renewal of the Term Contract for Reflective Sign Sheeting for the Transportation Department **(Citywide)**.

The Purchasing Division recommends authorizing renewal to 3M Company, Traffic Safety Systems at \$40,000 annually, including applicable use tax, based on estimated requirements.

- \*4h. Renewal of the Term Contract for Replacement Traffic Signal Controllers and Video Detection Camera Equipment for Warehouse Inventory **(Sole Source) (Citywide)**.

The Purchasing Division recommends authorizing renewal to Econolite Control Products at \$236,000 annually, based on estimated requirements.

- \*4i. Riverview Park SES Replacement **(District 1)**.

City Project No. 09-916-001. This project will provide two replacement electrical service sections that will provide a more reliable electrical service for Riverview Park lighting.

Recommend award to the low bidder, G.U.Y. Construction LLC, in the amount of \$33,485, plus an additional \$3,348.50 (10% allowance for change orders) for a total award of \$36,833.50. Funding is available in the adopted FY 09/10 Parks and Recreation operating budget.

- \*4j. Arterial Street Overlays (Harris Dr. from Southern Ave. to 8<sup>th</sup> Ave.; Higley Rd. from US 60 to Southern Ave.; Sossaman Rd. from US 60 to Southern Ave.; Sossaman Rd. from Broadway Rd. to University Dr.) **(Districts 4, 5 and 6)**.

City Project No. 44-002-001. This project includes rubber asphalt overlay, replacement of existing sidewalk ramps, and the replacement of damaged concrete features within the roadway area.

Recommend award to the low bidder, Gunsight Construction Companies L.L.C., in the amount of \$1,089,433, plus an additional \$108,943.30 (10% allowance for change orders) for a total award of \$1,198,376.30. Funding of \$930,414 will come from a Federal American Recovery and Reinvestment Act (ARRA) grant and the remaining \$267,962.30 is available in the approved FY 09/10 Streets Bond Capital Program.

- \*4k. Arterial Reconstruction (Brown Rd. from Recker Rd. to Power Rd. and University Dr. from Val Vista Dr. to Greenfield Rd.) **(Districts 2 and 5)**.

City Project No. 44-004-001. This project includes removal and replacement of the existing pavement, replacement of existing sidewalk ramps, and the replacement of damaged concrete features within the roadway area.

Recommend award to the low bidder, Knochel Bros. Inc., in the amount of \$1,742,270, plus an additional \$174,227 (10% allowance for change orders) for a total award of \$1,916,497. Project will be completely funded with a Federal grant from the American Recovery and Reinvestment Act (ARRA).

- \*4l. Arterial Reconstruction (Alma School Rd. from Baseline Rd. to Southern Ave. and Power Rd. from Baseline Rd. to Broadway Rd. **(Districts 3, 5 and 6)**).

City Project No. 44-005-001. This project includes removal and replacement of the existing pavement, replacement of existing sidewalk ramps, and the replacement of damaged concrete features within the roadway area.

Recommend award to the low bidder, J. Banicki Construction, Inc., in the amount of \$3,090,127, plus an additional \$309,012.70 (10% allowance for change orders) for a total award of \$3,399,139.70. Funding of \$3,270,555 will come from a Federal American Recovery and Reinvestment Act (ARRA) grant and the remaining \$128,584.70 is available in the adopted FY 09/10 Streets Bond Capital Program.

5. Introduction of the following ordinance and setting April 5, 2010 as the date of the public hearing on this ordinance:

- \*5a. **Z09-20 (District 6)** 6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). Rezone from C-2 and R1-6 PAD to R-4 PAD and Site Plan Review. This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant. **(LEGAL PROTEST ¾ VOTE REQUIRED) CONTINUED TO THE APRIL 19, 2010 REGULAR COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.**

P&Z Recommendation: Approval with conditions. (Vote: 3-2-1 with Boardmembers DiBella and Mizner voting nay and Boardmember Hudson abstained).

6. Take action on the following resolutions:

- \*6a. Approving and authorizing the City Manager to execute an Agreement with the Governor's Office of Highway Safety to secure grant funds in the amount of \$40,000 for the Police Department's impaired driving enforcement programs – Resolution No. 9641.
- \*6b. Modifying fees and charges for the Parks, Recreation and Commercial Facilities Department – Resolution No. 9642.
- \*6c. Approving and authorizing the City Manager to execute an Agreement with the Federal Emergency Management Agency (FEMA) to secure grant funds in the amount of \$189,901 for a driving simulator for the Fire Department – Resolution No. 9643.
- \*6d. Approving and adopting the City of Mesa Hazard Mitigation Plan. The County requires adoption of a resolution to allow the City of Mesa to take advantage of Stafford Act funding and to receive Federal mitigation funds in the event of a disaster – Resolution No. 9644.

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- \*7a. **Z10-07 (District 4)** 141 North MacDonald. Located north of Main Street and east of Country Club Drive (4.5± acres). Council Use Permit. This request will allow the expansion of an existing school within a Town Center zoning district. (PLN2009-00418). Charles Goraieb, Queen of Peace, Catholic Church, owner; Vince DiBella, applicant – Ordinance No. 4973.

P&Z Recommendation: Approval with Conditions. (Vote: 5-0-1, Boardmember DiBella abstaining).

8. Items from citizens present.

David A. Douthit addressed the Council regarding an educational, 49-page report titled, "Tipping Point," that he intends to send to each member of the Council. He summarized his remarks by urging the citizens of Mesa to volunteer.

9. Adjournment.

Without objection, the meeting adjourned at 6:10 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 22<sup>nd</sup> day of March 2010. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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Attachment (1)